

Docket Number: T12-0087
Bench Date: 7/10/13
Deadline: N/A

MEMORANDUM

TO: The Commission

FROM: Michael E. Stead, Railroad Safety Program Administrator

DATE: June 26, 2013

SUBJECT: Norfolk Southern Railway Company, Fondulac Township Road District, Tazewell County Highway Department and the State of Illinois, Department of Transportation.

Stipulated Agreement regarding improving public safety at the Farmdale Road East and Farmdale Road West highway-rail grade crossings of the Norfolk Southern Railway Company's track near East Peoria, Tazewell County, Illinois, designated as crossings AAR/DOT #475 125M, railroad milepost 407.80-NL and AAR/DOT #475 126U, railroad milepost 408.00-NL, respectively.

RECOMMENDATION: Enter Order approving additional GCPF assistance.

On June 6, 2012, the Commission entered its original Order in the above captioned matter. Fondulac Township was required to make safety improvements at the Farmdale Road East and Farmdale Road West crossings, located near East Peoria, Tazewell County. The Township's required safety improvements included the voluntary closure and vacation of the Farmdale Road East crossing along with the construction of a connecting road to divert the majority of vehicular traffic away from the Farmdale Road West crossing. All work was to be completed on or before June 6, 2014.

On December 3, 2012, the Tazewell County Highway Department (County), on behalf of the Township, reported that the connecting road project plans were approximately 80% complete with right-of-way acquisition in progress and anticipated construction to occur in the fall of 2013. On April 25, 2013, the County filed a Petition for a Supplemental Order on behalf of the Township, requesting additional Grade Crossing Protection Fund (GCPF) assistance, in the amount of \$77,795, for the unanticipated need to contract with an outside consultant to provide construction supervision and documentation services (Construction Engineering). The County had originally intended to provide "in house" Construction Engineering services to the Township using its own engineering forces at no cost to the GCPF. The County stated in the Petition that its own 2013 construction schedule has become very busy, which will severely limit the availability of "in house" engineering forces for this project. The Township does not have qualified "in house" forces to perform the Construction Engineering tasks.

Rather than delay the project until a future construction season when "in house" forces are available, and possibly incur inflation-related cost increases, the County and Township desire to contract with an engineering consultant for the Construction Engineering

services. The County requested that these additional unanticipated costs be fully reimbursed by the GCPF.

On May 3, 2013 and May 8, 2013, IDOT and Norfolk Southern, respectively, filed Responses to the County's Petition. Each offered no objection to County's Petition for additional GCPF assistance and each requested entry of a Commission Order granting the Petition without the need for a Hearing.

The Commission's Rail Safety Section Staff has reviewed the County's Petition and the Responses from the IDOT and Norfolk Southern. Commission Staff believes additional GCPF assistance should be approved to reimburse the costs for the contracted Construction Engineering services, which are necessary to avoid time delays and increased construction costs associated with delaying the project to a future construction season.

Commission Staff recommends that additional GCPF assistance, in an amount not to exceed \$77,795, should be approved to pay 100% of the unanticipated costs for contracted Construction Engineering Services, thereby increasing the GCPF assistance approved by the Commission's original Order from an amount of \$646,449, to a new amount of \$724,244. Commission Staff further recommends that this amount should be final and no further GCPF assistance should be approved for this project.

All other terms and conditions of the original Order, including the required completion date on or before June 6, 2014, should remain in full force and effect except as modified by the attached Supplemental Order. I recommend entry of the attached Supplemental Order.

Attachment
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